

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
DR. STEWART LUCAS MURREY,

Plaintiff,

-against-

AARON MINC, et al.,

Defendants.

ANALISA TORRES, District Judge:

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 6/23/2021

21 Civ. 320 (AT) (JLC)

ORDER

The Court is in receipt of Plaintiff's motion dated April 30, 2021. ECF No. 93. Although Plaintiff indicates that this motion is "ex parte", he also sent it to opposing counsel and filed it on the docket. *Id.* at 6. Because the Court finds no reason to decide the motion ex parte, it also considers Defendants' opposition at ECF No. 94. Accordingly,

Plaintiff's motion to permit temporary electronic filing via the temporary_pro_se_filing@nysd.uscourts.gov email address until he attends the required class for ECF filing is GRANTED. *See In Re: Coronavirus/Covid-19 Pandemic (Temporary Provision for Pro Se Litigants to File by Email)*, No 20 Misc. 179 (S.D.N.Y. Apr. 1, 2020), ECF No. 1.

Plaintiff's motion to file an amended complaint is DENIED without prejudice. Without more indication of the additional facts Plaintiff intends to include in his amended complaint, the Court cannot evaluate whether such an amendment would be futile. *Horoshko v. Citibank, N.A.*, 373 F.3d 248, 249 (2d Cir. 2004). Should Plaintiff wish to amend his complaint, he must file a motion asking leave to do so and asserting the specific additional allegations he intends to add.

Plaintiff's motion for judicial notice is DENIED. Plaintiff has not demonstrated that the facts contained in the attached emails and article are "generally known within [the Court's] territorial jurisdiction" or "can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned." Fed. R. Evid. 201. If Plaintiff believes the facts contained in these materials are relevant to his claims and factually accurate, he should include them in his proposed amendment.

The Clerk of Court is directed to terminate the motion at ECF No. 93, and to mail a copy of this order to Plaintiff *pro se*.

SO ORDERED.

Dated: June 23, 2021
New York, New York



ANALISA TORRES
United States District Judge